

Remarks

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is respectfully requested.

Claims 7-11 remain in this application. Claims 1-6 have previously been withdrawn from consideration, without prejudice. No claims have been amended.

§ 102 Rejections

Claims 7, 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue et al.

Claim 7 specifies a device that includes a pair of waveguides and another waveguide connecting this pair of waveguides. This “another waveguide” is not disclosed by the inoue reference.

Figure 37A of this reference illustrates a device containing an arrayed waveguide 4 with a groove 12 formed therein. (See col. 16, lns. 14-16 of the reference.) A groove is not a waveguide. Thus, the Inoue reference does not disclose another “connecting” waveguide and, therefore, does not anticipate Applicants’ claim 7.

More specifically, a waveguide is a component that includes a higher index material (core) and a lower index material (clad) surrounding the core, which confines light within the core. The light propagates through the core, typically via total internal reflection. (This is taught, for example, in the two references enclosed herewith). The groove 12 of the Inoue reference does not have this structure, i.e.- it has no “core” or “cladding”. That is, the groove 12 does not comprise a higher index material surrounded by a lower index material and the light propagating through the groove does not do so through total internal reflection. Therefore, groove 12 is not a waveguide.

When the applicants of the Inoue reference wanted to disclose a waveguide, they specifically called it a waveguide. They used a different term (groove) when they utilized something other than a waveguide.

Accordingly, claim 7 is not anticipated by Inoe et al.

Claims 7, 9, 10 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yoneda (U.S. Patent Application Publication No. 2002/0122623).

However, applicants made their invention, in US, prior to the filing date of the Yoneda reference.

Enclosed herewith is a declaration by one of the inventors, stating that the invention was conceived prior to December 29, 2000 and copies of the Invention Disclosure Notification and the Inventor's Laboratory Notebook pages. Both date prior to the filing date of the Yoneda reference.

Accordingly, claims 7 and 9-11 are not anticipated by the Yoneda reference.

§ 103 Rejections

Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable for obviousness over (U.S. Patent Application Publication No. 2002/0122623), as applied to claim 7.

Claim 8 is not obvious over Yoneda because it depends from claim 7 as its base claim and applicant's invention predates the filing date of this the reference.

Conclusion

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 7-11 and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Svetlana Z. Short at 607-974-0412.

Respectfully submitted,

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